

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

RODNEY DES JARDINS,)	
)	Plaintiff,
v.)	No. 2:19-cv-252
)	
)	Honorable Paul L. Maloney
COMMUNITY ACTION ALGER)	
MARQUETTE,)	
)	
Defendant.)	
)	

**ORDER DENYING DEFENDANT'S MOTION FOR LIMITED
RECONSIDERATION**

Defendant filed a limited motion for reconsideration of the opinion denying summary judgment as to Plaintiff's discrimination/retaliation claim under the FMLA (ECF No. 34). A motion for reconsideration may be granted when the moving party demonstrates a "palpable defect" by which the Court and parties have been misled and a showing that a different disposition of the case must result from the correction of the mistake. W.D. Mich. LCivR 7.4(a). The decision to grant or deny a motion for reconsideration under this Local Rule is within the district court's discretion. *See Evanston Ins. Co. v. Cogswell Props., LLC*, 683 F.3d 694, 681 (6th Cir. 2012) (citation omitted).

The Court has granted summary judgment on all counts except the remaining FMLA discrimination/retaliation claim (ECF No. 32). Defendant now requests that the Court reconsider its denial of summary judgment for the single remaining claim. In its motion for reconsideration, Defendant argues that even if Plaintiff has established a prima facie claim of retaliation under the FMLA, it can assert a non-retaliatory reason for terminating Plaintiff—

that Plaintiff failed to provide a fitness-for-duty-certificate, which was necessary for Plaintiff to return to work. But this argument is nothing more than a restatement of Defendant's prior arguments it already asserted in its motion for summary judgment. The parties have presented competing facts and arguments on whether Plaintiff was terminated, and if so, why he was terminated. There still exists a genuine issue of material fact regarding the FMLA discrimination/retaliation claim.

Accordingly,

IT IS HEREBY ORDERED that Defendant's motion for limited reconsideration (ECF No. 34) is **DENIED**.

IT IS SO ORDERED.

Date: October 4, 2021

/s/ Paul L. Maloney
Paul L. Maloney
United States District Judge